

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:13-CV-159-D

PETER S. VINAL,)
)
Plaintiff,)
)
v.)
)
FEDERAL NATIONAL MORTGAGE)
ASSOCIATION, et al.,)
)
Defendants.)

ORDER

On August 30, 2013, defendant Federal National Mortgage Association (“FNMA”) filed a motion to dismiss plaintiff Peter S. Vinal’s (“Vinal”) complaint. See [D.E. 17]; Fed. R. Civ. P. 12(b)(6). On August 30, 2013, defendants Kathy B. Bagby and Joseph C. Irving also filed a motion to dismiss Vinal’s complaint. See [D.E. 15]; Fed. R. Civ. P. 12(b)(6).

On September 23, 2013, Vinal notified FNMA, Bagby, and Irving that he stipulated to dismissing them as defendants [D.E. 24]. On December 9, 2013, Vinal clarified the stipulation [D.E. 30].

In light of the stipulation, the motions to dismiss [D.E. 15, 17] are DISMISSED as moot. FNMA, Bagby, and Irving are DISMISSED as defendants. Moreover, in light of the stipulation [D.E. 24] and the clarification of the stipulation [D.E. 30], the court DISMISSES count one (breach of contract), count four (fraudulent inducement), count five (fraudulent misrepresentation), count eight (North Carolina RICO), count nine (civil conspiracy), and count ten (unjust enrichment) against defendant SunTrust Mortgage, Inc. (“SunTrust”) and defendant Safeguard Properties, LLC. The court will address SunTrust’s motion to dismiss counts two, three, six, and seven in due course. Finally, Vinal’s motion to amend the complaint [D.E. 25] is GRANTED, and paragraph 25 is DEEMED amended effective today. See Fed. R. Civ. P. 15(a)(2).

SO ORDERED. This 18 day of December 2013.



JAMES C. DEVER III
Chief United States District Judge